



NATIONAL ASSEMBLY OF FRANCE

## THE DECLARATION OF THE RIGHTS OF MAN AND CITIZEN

This document is the preamble to the draft of a constitution for revolutionary France, put together in August 1789 as events in Paris were fast spinning out of control. In June of that year, an insurgent commoner caucus in the Estates General, in defiance of the nobility and the clergy, had declared itself the National Assembly, with the sole right to enact legislation. King Louis responded by depriving the National Assembly of its meeting hall. The subsequent meeting of the Assembly—on a Versailles tennis court—declared that it would not disband until it had drafted a new constitution for France. Pressured by growing civil unrest, the king ordered the nobility and clergy to rejoin the Assembly. As rioting spread throughout Paris, Louis also dismissed the popular Jacques Necker, director general of finance and minister of state, from the government and marshalled troops in his own defense. Further rioting ensued, culminating in the successful storm of the Bastille, a royal prison. It was in this atmosphere that the National Assembly lay down its gauntlet—the draft constitution that began with the following text.

In the new constitution, the monarchy was to be maintained, with carefully circumscribed powers. As it was, the document was to be rendered moot by the seismic violence then gripping French society, a violence that was to lead to the bloody overthrow of limited government and the authoritarian rule of Napoleon Bonaparte.

The language of the document reflects, to some extent, the rhetoric of the American Declaration of Independence. Noteworthy, in the context of what was to follow, is the Lockean emphasis on right to private property in sections 2 and 17, and the countervailing reference to the “general will” in section 6, which draws most obviously upon the ideas of Jean-Jacques Rousseau. Its language and moral certainty is exactly what Burke would later deplore and Wordsworth romanticize.

The representatives of the French people, organized in National Assembly, considering that ignorance, forgetfulness or contempt of the rights of man, are the sole causes of the public miseries and of the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, in order that this declaration, being ever present to all the members of the social body, may unceasingly remind them of their rights and their duties; in order that the acts of the legislative power and those of the executive power may be each moment compared with the aim of every political institution and thereby may be more respected; and in order that the demands of citizens, grounded henceforth upon simple and in-

contestable principles, may always take the direction of maintaining the constitution and welfare of all.

In consequence, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and citizen.

1. Men are born and remain free and equal in rights. Social distinctions can be based only upon public utility.
2. The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The source of all sovereignty is essentially in

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the nation; no body, no individual can exercise authority that does not proceed from it in plain terms.

4. Liberty consists in the power to do anything that does not injure others; accordingly, the exercise of the natural rights of each man has no limits except those that secure to the other members of society the enjoyment of these same rights. These limits can be determined only by law.
5. The law has the right to forbid only such actions as are injurious to society. Nothing can be forbidden that is not interdicted by the law, and no one can be constrained to do that which it does not order.
6. Law is the expression of the general will. All citizens have the right to take part personally, or by their representatives, in its formation. It must be the same for all, whether it protects or punishes. All citizens being equal in its eyes, are equally eligible to all public dignities, places, and employments, according to their capacities, and without other distinction than that of their virtues and their talents.
7. No man can be accused, arrested, or detained, except in the cases determined by the law and according to the forms that it has prescribed. Those who procure, expedite, execute, or cause to be executed arbitrary orders ought to be punished: but every citizen summoned or seized in virtue of the law ought to render instant obedience; he makes himself guilty by resistance.
8. The law ought to establish only penalties that are strictly and obviously necessary, and no one can be punished except in virtue of a law established and promulgated prior to the offence and legally applied.
9. Every man being presumed innocent until he has been pronounced guilty, if it is

thought indispensable to arrest him, all severity that may not be necessary to secure his person ought to be strictly suppressed by law.

10. No one should be disturbed on account of his opinions, even religious, provided their manifestation does not derange the public order established by law.
11. The free communication of ideas and opinions is one of the most precious of the rights of man; every citizen then can freely speak, write, and print, subject to responsibility for the abuse of this freedom in the cases determined by law.
12. The guarantee of the rights of man and citizen requires a public force; this force then is instituted for the advantage of all and not for the personal benefit of those to whom it is entrusted.
13. For the maintenance of the public force and for the expenses of administration a general tax is indispensable; it ought to be equally apportioned among all the citizens according to their means.
14. All the citizens have the right to ascertain, by themselves or by their representatives, the necessity of the public tax, to consent to it freely, to follow the employment of it, and to determine the quota, the assessment, the collection, and the duration of it.
15. Society has the right to call for an account of his administration from every public agent.
16. Any society in which the guarantee of the rights is not secured, or the separation of powers not determined, has no constitution at all.
17. Property being a sacred and inviolable right, no one can be deprived of it, unless a legally established public necessity evidently demands it, under the condition of a just and prior indemnity.